



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
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www.westportct.gov

Hearings: May 7 and May 14, 2020

Decision: May 14, 2020

May 15, 2020

Richard W. Redniss
Redniss and Mead
22 First Street
Stamford, CT 06905

RE: Text Amendment #778/Apl. #PZ-20-00136 for Special Needs Housing

Dear Mr. Redniss:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on May 14, 2020 it was moved by Ms. Dobin and seconded by Mr. Olefson to adopt the following resolution.

RESOLUTION #PZ-20-00136

WHEREAS, THE PLANNING AND ZONING COMMISSION met on May 14, 2020 and made the following findings:

1. Richard Redniss is seeking approval for Text Amendment #778 proposing to:
 - A. Add a definition to §5 for "Special Needs Individuals," eligible to occupy proposed "Special Needs Housing;"
 - B. Modify §4-5 to exempt "Special Needs Housing" from the threshold of allowable number of Multi-Family Dwellings permitted in Westport;
 - C. Add "Special Needs Housing" to list of allowable uses in §13, Residence A district, subject to Special Permit approval with Special Conditions; and
 - D. Add special conditions, standards, and location requirements for "Special Needs Housing" subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
2. Special Needs Individuals as proposed are defined as persons that are blind, physically disabled, and/or have intellectual disabilities pursuant to Sections 1-1f and/or 1-1g of the Connecticut General Statutes.
3. Comments received from the Human Services Director dated 4/20/20 document there is a need for Special Needs Housing in Westport.

4. Comments received from Westport resident Lorraine Leskin dated 5/3/20, whose adult daughter qualifies as a Special Needs Individual, confirmed there are no existing facilities in town that offer what is being proposed; therefore, she supports the text amendment. Special Needs Housing provides an opportunity to adults to learn independent living skills.
5. Comments from the P&Z Director dated 4/30/20 document Special Needs Housing as proposed is distinguished from Group Homes that are already allowed as of right in residentially zoned districts, as each room within Special Needs Housing will contain a Kitchen and bathroom, qualifying each room as a Dwelling unit.
6. The P&Z Director's 4/30/20 comments also described the affordability requirements for Special Needs Housing (60% SMI) target a population not currently addressed by the 25+ existing provisions in the Zoning Regulations permitting Multi-Family development and Group Homes.
7. Information supplied by Mr. Redniss documents more affordable housing moratorium points are generated by Special Needs Housing than Group Homes, as up to six (6) Dwelling units will be allowed within a single building in Special Needs Housing versus a Group Home that is considered a single Dwelling unit. The applicant further clarified the combined incomes received from Group Home occupants can exceed the Affordable Housing income requirements established by the State of CT; therefore, a Group Home may not generate any moratorium points.
8. The proposed special conditions, standards, and requirements for Special Needs Housing listed in §32-27 include:
 - A. Location: An eligible property must be Town-owned, contain an existing building (may not be vacant), and must be in the Residence A district;
 - B. Affordability: An Affordability Plan shall be submitted requiring 100% of the Dwelling units shall be affordable to households whose incomes do not exceed 60% of the State Median Income.
 - C. Oversight: Must be operated by a qualified 501(c)3 non-profit organization specializing in providing special needs services in residential settings;
 - D. Density: No more than six (6) Dwelling units per building are allowed;
 - E. Parking: One (1) parking space for each Dwelling unit is required;
 - F. Total Coverage/Building Height Relief: Allows modifications needed to bring an existing building into conformance with Building Code requirements for ADA compliance without a variance, provided the modifications do not exceed existing Total Coverage and Building Height;
 - G. Landscaping Relief: Parking Area Landscaping Requirements listed in §35-2.3 are waived (1 Tree for each 10 parking spaces).

9. The applicant's analysis identified three (3) properties meet the proposed location criteria in §32-27.1, including:
 - A. 136 Riverside Avenue, *(previously occupied and approved by P&Z in 2000 for use by BOE for office space and currently connected to the public sewer);*
 - B. 124 Compo Road North, *(leased to Project Return and currently houses eight female residents and not currently connected to the public sewer); and*
 - C. 15 Morningside Dr. North, *(aka Adams Academy, Local Historic Property, building constructed in 1835, restored in 1961, and used in the 1800's for a school for boys. Currently unoccupied and not currently connected to the public sewer).*
10. The applicant's cover letter dated 4/27/20 identifies 136 Riverside Avenue is the targeted benefiting property for Text Amendment #778.
11. Helen Garten, Real Property Committee Chair for the Town of Westport, offered comments in support for use of Text Amendment #778 at 136 Riverside Avenue.
12. Comments were received from members of the public in support of the amendment.
13. Comments were received from members of the public both in support and in opposition to using 136 Riverside Avenue for Special Needs Housing.
14. The P&Z Director's 4/30/20 comments described if Text Amendment #778 is adopted, additional approvals from the Planning and Zoning Commission will be required before it may be applied to 136 Riverside Avenue including a Positive §8-24 Municipal Improvement Report and granting of a Special Permit/Site Plan approval.
15. The P&Z Director's 4/30/20 comments also described prior to adoption of Text Amendment #778, the Commission may wish to make modifications, including:
 - A. In §32-27.3.1, substitute the following to qualify under what circumstances existing Building Height and Coverage may increase, consistent with the applicant's intent that does not appear to be expressed.

"Modifications and/or additions needed affecting Building Height and/or Total Coverage necessary to bring an existing building into conformance with Building Code requirements for ADA compliance are allowed and shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater."
 - B. In §32-27.1, Location, add language limiting Special Needs Housing to properties connected to the public sewer:

"Special Needs Housing shall be located within an existing building in the Residence A District on Town owned property, and connected to the public sewer."
16. The applicant on 5/6/20 responded to suggested modifications offered by agreeing to changes to §32-27.3.1, and respectfully disagreeing to changes to §32-27.1 citing 124 Compo Road North, one of the eligible Town-owned properties, currently supports the 8+ residents at Project Return served by a septic system, and there is potential sewer connection available to 15 Morningside Dr. North.

17. The P&Z Director at the May 7, 2020 public hearing shared she agreed with the applicant's 5/6/20 response and limited her suggested modifications to changes to §32-27.3.1 to which the applicant agreed.
18. Public Hearing review of Text Amendment #778 by the Planning and Zoning Commission was held remotely using electronic means due to the Coronavirus Pandemic, as Town Hall was closed. The public hearings were broadcast live on public access television and live on-line on the Town's website.
19. Comments from the public were received in "real time," at the public hearings as well as prior to the public hearings.
20. All application materials, public comments, and videos of the public hearings were posted on the Town's website consistent with the Governor's Executive Orders to maintain transparency to the public.

NOW THEREFORE, BE IT RESOLVED Text Amendment #778: Appl. #PZ-20-00136 by Rick Redniss of Redniss and Mead is **ADOPTED AS MODIFIED**. The amendment proposes to Modify §4-5, Maximum Allowable Multi-Family Dwellings, to exempt Special Needs Housing, a proposed use; To add a definition for Special Needs Individuals in §5-2, Specific Terms; To add Special Needs Housing to the list of allowable uses in the Residence A District subject to Special Permit and Site Plan approval by the Planning and Zoning Commission in §13-2.1, Special Permit Uses Subject to Special Conditions; and To add §32-27 providing standards and conditions for Special Needs Housing in §32, Supplementary Use Regulations. The amendment if adopted will allow an existing building to be Adaptively Reused for up to six Dwelling Units occupied by Special Needs Individuals on Lots located in the Residence A District and owned by the Town of Westport. A copy of the text amendment is on file in the Westport Town Clerk's Office, and the Westport Planning and Zoning Office, and available on the Town's website, www.westportct.gov.

MODIFICATION

1. As agreed to by the applicant in §32-27.3.1, substitute the following to qualify under what circumstances existing Building Height and Coverage may increase, consistent with the applicant's intent that does not appear to be expressed.

"Modifications and/or additions needed affecting Building Height and/or Total Coverage necessary to bring an existing building into conformance with Building Code requirements for ADA compliance are allowed and shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater."

REASONS

1. The Planning and Zoning Commission finds that this amendment is consistent with the Comprehensive Plan (Zoning Regulations and Zoning Map), and the 2017 *Plan of Conservation and Development* which includes the following goals:

- VOTE:

ABSTENTIONS -0-

Very truly yours,

Dan Don AT

Attached

Adopted Text Amendment #778, as modified

cc: First Selectman's Office
Town Attorney's Office
Town Engineer
Conservation Director
DPW Director
Fire Marshal
Police Chief
RTM P&Z Committee Chairman
Tax Assessor

Text Amendment #778

Submitted: 2/27/20, Revised 4/27/20, and Modified during the Work Session on: 5/14/20

Received: 2/13/20

Public Hearings: 5/7/20 and 5/14/20

Adopted with Modifications: 5/14/20

Effective date: 6/3/20

Deleted language is ~~[struck out and in brackets]~~; New language is underlined.

Proposed Text Change

TO AMEND

- §4-5 Maximum Allowable Multi-Family Dwellings, by amending standard #2;
- §5 “DEFINITIONS”, by adding a new “Special Needs Housing” definitions;
- §13 Residence A District, by adding “Special Needs Housing” under Special Permit Uses Subject to Special Conditions;
- §32 “Supplementary Use Regulations”, by adding NEW §32-27 “Special Needs Housing”

§4-5 Maximum Allowable Multi-Family Dwellings

2. The first two-hundred (200) multi-family units approved under §32-15B, Age-Restricted Housing, per §32-15B.18, Special Needs Housing per §32-27, Exemptions and/or dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities.

§5 DEFINITIONS

Special Needs Individuals:

Persons that are blind, physically disabled, and/or have intellectual disabilities pursuant to Sections 1-1f and/or 1-1g of the Connecticut General Statutes

§13 RESIDENCE A DISTRICT

...

13-2.1 Special Permit Uses Subject to Special Conditions

The following additional uses ~~[is]~~ are permitted subject to the conditions provided for in §32 and Special Permit & Site Plan approval in accordance with §43, herein.

13-2.1.1

Small Home Developments

13-2.1.2

Special Needs Housing

32-27 Special Needs Housing

Housing for Special Needs Individuals is important to meet the Westport Plan of Conservation Development goals to allow qualified 501(c)3 non-profit organizations specializing in providing special needs services in residential settings to help address housing needs that maintain the character and integrity of Westport. Such housing enables persons with special needs to live in Westport and contribute to the community through employment and other opportunities. Special Needs Housing encourages the adaptive reuse of existing town owned buildings and shall require a Special Permit and Site Plan Approval.

32-27.1 Location

Special Needs Housing shall be located within an existing building in the Residence A District on Town owned property.

32-27.2 Density

The maximum allowable density shall not exceed six (6) units per building.

32-27.3 Special Standards

32-27.3.1 Height and Coverage

Modifications and/or additions affecting Building Height and/or Total Coverage necessary to bring an existing building into conformance with Building Code requirements for ADA compliance are allowed and shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater.

32-27.3.2 Landscaping, Screening and Buffer Areas

Existing parking areas do not need to meet the requirements of Section 35-2.3.

32-27.3.3 Parking

The minimum parking requirement for Special Needs Housing shall be one (1) space per residence.

32-27.4 Affordability Requirement

All proposed units shall be affordable to households whose income does not exceed 60% of the State Median Income as provided by CT General Statutes §8-30g, and an affordability plan shall be required prior to the issuance of a Zoning Certificate of Compliance.